

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

v.

MARON BARNES

a/k/a "Melph"

*** CRIMINAL NO.: 14-86**

*** SECTION: "J"**

*** VIOLATIONS: 21 USC § 846**

*** * ***

FACTUAL BASIS

Had this matter proceeded to trial, the government would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimony and other evidence, the following facts to support the allegations against the defendant, **MARLON BARNES** a/k/a "Melph."

Beginning in or around January 2013, the defendant, **MARLON BARNES**, combined, conspired, confederated, and agreed with other persons to distribute heroin in the New Orleans area, in that **BARNES** purchased multi-ounce quantities of heroin from **ANTHONY GIBSON** for the purpose of redistributing it in the New Orleans area; introduced **GIBSON** as a source of supply for heroin to **GARRY GENTRY**; and combined with **GENTRY** to purchase multi-ounce quantities of heroin from **GIBSON** in order to distribute it in the New Orleans area. **BARNES**

purchased heroin from GIBSON by himself or together with GENTRY, meeting up with GIBSON near businesses in the New Orleans East neighborhood.

In or around January 2013, **BARNES** was seeking a heroin supplier and contacted New Orleans heroin dealer Terence Taylor, who was using a residence located at 4848 Deanne Street and an adjacent property in New Orleans East as a base of operations for distributing heroin. In or around January 2013, Taylor introduced **BARNES** to GIBSON as a source of supply for heroin near 4848 Deanne Street, and GIBSON sold **BARNES** approximately three ounces of heroin.

GIBSON remained a source of supply for **BARNES** from January 2013 until GIBSON's arrest in January 2014. In or around May 2013, **BARNES** introduced GIBSON as a source of supply for heroin to GARRY GENTRY. Thereafter **BARNES** and GENTRY met together or separately with GIBSON on several occasions near business locations in New Orleans East to purchase multi-ounce quantities of heroin from GIBSON. Wire and electronic evidence demonstrate that **BARNES** and GENTRY both used similar means of text messaging to coordinate purchases from GIBSON in code language.

On January 13, 2014, **BARNES** sent a text message to GIBSON that read, "9th ward," the name of a New Orleans neighborhood, but also an encoded message meaning that **BARNES** wanted to buy nine ounces (approximately a quarter-kilogram) of heroin from GIBSON. GIBSON replied, "Wya?," an abbreviation of "Where yat?" **BARNES** replied, "East," meaning that he was actually in the neighborhood of New Orleans East. GIBSON asked, "What exit?"; and **BARNES** replied, "Reed by lowes," meaning that wanted to meet GIBSON at the Lowes store near the Read Boulevard exit from Interstate-10 in New Orleans East. **BARNES** and GIBSON met, and GIBSON supplied **BARNES** approximately nine ounces of heroin.

On April 30, 2014, agents of the Drug Enforcement Administration (“DEA”) prepared to execute a federal search warrant for a residence used by **BARNES** located at 8121 Lomond Street in New Orleans. During pre-warrant surveillance, agents observed **BARNES** conduct three car-to-car transactions consistent with street-level heroin sales observed during the course of the investigation, where the buyer and seller had pulled up alongside each other; the buyer had tossed cash through the seller’s window; and the seller had tossed heroin through the buyer’s window. During the search of the master bedroom, agents found a Glock, model 30, .45 caliber pistol, bearing serial number VNS895, which contained one round in the chamber and a fully loaded magazine containing thirteen rounds of ammunition, along with other items including a digital scale and two bottles of quinine powder, a powder commonly used as heroin cut. During a lawful search of **BARNES’** vehicle, agents also recovered a firearm magazine next to the driver’s seat containing nine live rounds of .45 caliber ammunition and fitting the Glock firearm located during the search at 8121 Lomond Street. The firearm and ammunition recovered had been and were then possessed by **BARNES**, and he maintained dominion and control over them. The firearm described above meets the legal definition of a firearm as a weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

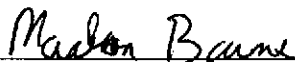
Drug Quantities


The government and the defendant, **MARLON BARNES**, stipulate and agree that the defendant should be held accountable for at least one kilogram but less than three kilograms of heroin, as this amount of heroin was bought and sold by him within the timeframe of the Superseding Indictment.


Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by the defendant, **MARLON BARNES**, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the defendant's plea of guilty to Count 1 of the Superseding Indictment.

APPROVED AND ACCEPTED:


MARLON BARNES (date) 5/28/2015
Defendant

 5/28/2015
MICHAEL B. REDMANN (date)
Assistant United States Attorney


PAUL C. FLEMING, JR. (date) 5/28/2015
Counsel for Defendant